

# Court of Appeals, Division One

Criminal

**1 CA-CR 16-0183**

**STATE v. SILVA**

## Appellate Case Information

Case Filed: 18-Mar-2016

Case Closed:

## Dept/Composition

### Side 1. STATE OF ARIZONA, Appellee

(Litigant Group) STATE OF ARIZONA

- State of Arizona

Attorneys for: Appellee

Michael O'Toole, Esq. (AZ Bar No. 19555)

### Side 2. VICTOR PIERRE BENTO SILVA, Appellant

(Litigant Group) VICTOR PIERRE BENTO SILVA

- Victor Pierre Bento Silva

Attorneys for: Appellant

David Goldberg, Esq. (AZ Bar No. 12726)

## CASE STATUS

Nov 30, 2016...At Issue

PREDECESSOR CASE(S)	Cause/Charge/Class	Judgment/Sentence	Judge, Role <Comments>	Trial	Dispo
LAP S1500CR201500062	Theft of Miscellaneous Property; Conspiracy to Commit Drive By Shooting; Unlawful Flight from Law Enforcement; First Degree Felony Murder	4.50 Years; 4.50 Years; 1 Year; Life	Samuel E Vederman, Sentencing	JURY	
LAP S1500CR201500169					

## 2 OPEN DUE DATES

### Additional Record Due

**Due By:** Monday, December 5, 2016

Audio/Video recording

Re: \* ORDERED: Motion to Expand the Record (Appellee) = GRANTED/Supplement the record by including audio or video recordings. FURTHER ORDERED: Clerk of the LaPaz County Superior Court supplement the record on appeal by forwarding to this court the audio video

### Reply Brief Due

**Due By:** Monday, February 6, 2017

Re: FILED: Appellee's Answering Brief; Certificate of Compliance; Certificate of Service (Appellee)

[2 extensions]

## 60 PROCEEDING ENTRIES

- 22-Feb-2016 FILED: Courtesy Copy of Notice of Filing of Appeal From Superior Court
- 18-Mar-2016 FILED: Notice of Appeal from La Paz County Superior Court filed 02/17/16 - Notification to Court Reporters sent 3/9/16
- 18-Mar-2016 FILED: e-Record on Appeal:  
Combined Instruments/Minute Entries  
Disposition Report: #494, Filed 2/22/16  
Disposition Report: #495, Filed 2/22/16  
Electronic Exhibits: Hearing Date 12/3/15 - List and #1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270  
Confidential Criminal History: #491, Filed 2/17/16  
Reporters Transcripts - 3/4/15 [Juliette L. Vidauri] (SEALED); 12/21/15 [Sharon Bradley]

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4. 1-Apr-2016 FILED: Request for Extension (Court Reporter Sharon Bradley)
5. 1-Apr-2016 ORDERED: Extending until 05/04/2016 the deadline for Court Reporter Sharon Bradley to file the transcripts of the proceedings of 02/17/2016, 12/31/2015, 12/18/2015, 12/17/2015, 12/16/2015, 12/15/2015, 12/14/2015, 12/11/2015, 12/10/2015, 12/09/2015, 12/08/2015, 12/04/2015, 12/03/2015, 12/02/2015. Hon Samuel A Thumma - Author
6. 8-Apr-2016 FILED: Courtesy copy - La Paz County Superior Court Order dated 04/05/2016 re: Motion to Vacate Judgement-Rule 24.2 (Motion to Vacate Judgement-Rule 24.2 attached)
7. 14-Apr-2016 FILED: Courtesy copy - La Paz County Superior Court Order dated 04/11/2016 re: Motion to Enlarge Response Time
8. 14-Apr-2016 FILED: Courtesy Copy - Motion to Enlarge Response Time, filed in La Paz County Superior Court on 04/07/2016
9. 15-Apr-2016 FILED: Courtesey Copy - La Paz County Superior Court order dated 04/13/2016 re: Forwarding of Motion to Reconsider Jurisdiction Under Rule 24.2 and Amended Motion to Reconsider Jurisdiction Under Rule 24.2
10. 18-Apr-2016 FILED: Courtesy Copy - Motion to Reconsider Jurisdiction Under Rule 24.2, filed in La Paz County Superior Court on 04/12/2016
11. 18-Apr-2016 FILED: Courtesy Copy - La Paz County Superior Court order dated 04/15/2016 re: Response to Defendant's Motion to Vacate Judgment
12. 18-Apr-2016 FILED: Courtesy Copy - Response to Defendant's Motion to Vacate Judgment filed in La Paz County Superior Court on 04/14/2016
13. 26-Apr-2016 FILED: Reporter's Transcript - 12/4/15 - Jury Trial Day 1 (Sharon E Bradley)
14. 26-Apr-2016 FILED: Reporter's Transcript - 12/8/15 - Jury Trial Day 2 (Sharon E Bradley)
15. 26-Apr-2016 FILED: Reporter's Transcript - 12/9/15 - Jury Trial Day 3 (Sharon E Bradley)
16. 26-Apr-2016 FILED: Reporter's Transcript - 12/10/15 - Jury Trial Day 4 (Sharon E Bradley)
17. 26-Apr-2016 FILED: Reporter's Transcript - 12/11/15 - Jury Trial Day 5 (Sharon E Bradley)
18. 26-Apr-2016 FILED: Reporter's Transcript - 12/14/15 - Jury Trial Day 6 (Sharon E Bradley)
19. 26-Apr-2016 FILED: Reporter's Transcript - 12/14/15 [sic] - Jury Trial Day 7 (Sharon E Bradley)
20. 26-Apr-2016 FILED: Reporter's Transcript - 12/14/15 [sic] - Jury Trial Day 8 (Sharon E Bradley)
21. 26-Apr-2016 FILED: Reporter's Transcript - 12/17/15 - Jury Trial Day 9 (Sharon E Bradley)
22. 26-Apr-2016 FILED: Reporter's Transcript - 12/18/15 - Jury Trial Day 10 (Sharon E Bradley)
23. 26-Apr-2016 FILED: Reporter's Transcript - 12/21/15 - Jury Trial Day 11 (Sharon E Bradley)
24. 26-Apr-2016 FILED: Reporter's Transcript - 12/31/15 - Aggravation Hearing (Sharon E Bradley)
25. 2-May-2016 FILED: Appellant's Motion to Stay Appeal and Remand to Superior Court for Ruling on Pending Motion to Vacate Judgment; Appellant's Certificate of Service; Order declining jurisdiction on motion to vacate (Appellant)
26. 2-May-2016 FILED: Appellants Motion to Supplement the Record and Extend Due Date for Opening Brief; Appellant's Certificate of Service (Appellant)
27. 4-May-2016 FILED: Reporter's Transcripts - 12/02/2015 - Motions in Limine (Sharon Bradley)
28. 4-May-2016 FILED: Reporter's Transcripts - 12/03/2015 - Motions in Limine (Sharon Bradley)
29. 4-May-2016 FILED: Reporter's Transcripts - 02/17/2016 - Sentencing (Sharon Bradley)
30. 10-May-2016 ORDERED: Appellants Motion to Supplement the Record and Extend Due Date for Opening Brief (Appellant) = GRANTED/Transcripts due 06/09/2016. FURTHER ORDERED: Denying the motion to extend the time for filing of the opening brief as unnecessary as the Notice of Completion has not issued. Anthony Mackey ProTem Judge - Author
31. 10-May-2016 ORDERED: Appellant's Motion to Stay Appeal and Remand to Superior Court for Ruling on Pending Motion to Vacate Judgment (Appellant) = GRANTED/Staying this appeal to/including 07/08/2016. On 07/11/2016 this appeal shall be automatically reinstated. FURTHER ORDERED: Clerk of the La Paz County Superior Court transmit to this court within five days after its entry a certified copy of any order entered as a result of the Rule 24.2 proceedings. Anthony Mackey ProTem Judge - Author

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32. 16-May-2016 FILED: Courtesy Copy - Order filed in La Paz Superior Court on 05/11/2016
33. 7-Jun-2016 FILED: Reporter's Transcript - 07/20/2015 (Sharon E Bradley)
34. 7-Jun-2016 FILED: Reporter's Transcript - 10/05/2015 (Sharon E Bradley)
35. 7-Jun-2016 FILED: Reporter's Transcript - 11/18/2015 - Oral Argument on Motion (Sharon E Bradley)
36. 7-Jun-2016 FILED: Reporter's Transcript - 11/23/2015 - Motion to Compell/Dismiss (Sharon E Bradley)
37. 7-Jun-2016 FILED: Reporter's Transcript - 01/19/2016 - Motion for New Trial (Sharon E Bradley)
38. 9-Jun-2016 FILED: Reporter's Transcript - 12/04/2015 - Jury Voir Dire (Sharon E Bradley)
39. 29-Jun-2016 FILED: Supplemented Superior Court e-Record with Revised Index of Record
40. 1-Jul-2016 FILED: Courtesy Copy - Order - Rule 24.2 filed in La Paz County Superior Court on 06/28/2016
41. 12-Jul-2016 FILED: Notice of Completion of Record
42. 13-Jul-2016 FILED: Appellant's Motion to Supplement the Record; Certificate of Service (Appellant)
43. 19-Jul-2016 ORDERED: Appellant's Motion to Supplement the Record (Appellant) = GRANTED/Transcripts due 08/18/2016. FURTHER ORDERED: Opening brief due date EXTENDED to 09/19/2016. Anthony Mackey ProTem Judge - Author
44. 19-Aug-2016 FILED: Reporter's Transcripts - 05/23/2016 Status Conference (Sharon Bradley)
45. 19-Aug-2016 FILED: Reporter's Transcripts - 06/03/2016 Oral Argument (Sharon Bradley)
46. 19-Sep-2016 FILED: Appellant's Opening Brief; Appellant's Certificate of Compliance; Appellant's Certificate of Service; Appendix A (Appellant)
47. 19-Sep-2016 FILED: Reporter's Transcript - 12/15/15 - Jury Trial Day 7 (Sharon E. Bradley) (COVER PAGE ONLY); Affidavit
48. 19-Sep-2016 FILED: Reporter's Transcript - 12/16/15 - Jury Trial Day 8 (Sharon E. Bradley) (COVER PAGE ONLY); Affidavit
49. 23-Sep-2016 FILED: Notice of Appearance; Certificate of Service (Appellee)
50. 8-Nov-2016 ORDERED: Answering brief due date EXTENDED from Monday, 11-07-2016 to Wednesday, 12-07-2016. Fred Cole ProTem Judge - Author
51. 8-Nov-2016 FILED: Motion to Expand the Record; Certificate of Service; Attachment 1 (Appellee)
52. 14-Nov-2016 ORDERED: Motion to Expand the Record (Appellee) = GRANTED/Supplement the record by including audio or video recordings. FURTHER ORDERED: Clerk of the LaPaz County Superior Court supplement the record on appeal by forwarding to this court the audio video recordings marked as exhibits 5, 6, 9, 11, 12, 14, 15, 220, 253, 254, and 255 due 12/05/2016. Anthony Mackey ProTem Judge - Author
53. 30-Nov-2016 FILED: Appellee's Answering Brief; Certificate of Compliance; Certificate of Service (Appellee)
54. 2-Dec-2016 FILED: Additional Record on Appeal  
Exhibits:  
253, 254, 255 (Physical CDs)
55. 7-Dec-2016 ORDERED: Reply brief due date EXTENDED from Tuesday, 12-27-2016 to Tuesday, 01-17-2017. Fred Cole ProTem Judge - Author
56. 5-Jan-2017 FILED: Memorandum – to Clerk of Superior Court Re: any additional record not already transmitted due within 10 days
57. 5-Jan-2017 FILED: Appellant's Motion to Extend Time to File Reply Brief; certificate of service (Appellant)
58. 6-Jan-2017 ORDERED: Appellant's Motion to Extend Time to File Reply Brief (Appellant) = GRANTED/Due date EXTENDED from Tuesday, 01-17-2017 to Monday, 02-06-2017. Fred Cole ProTem Judge - Author
59. 9-Jan-2017 Record Receipt Noted - ENTIRE RECORD FILED - There is no additional electronic or physical record to be transmitted.
60. 24-Jan-2017 FILED:e-Record on Appeal: (S1500CR201500169)  
Instruments/Minute Entries: Combined  
Disposition Report: None  
Exhibits: None sent with e-Record